

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 76 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SHIVRAM P NAYAR

Versus

KALAVATI SHIVRAM NAYAR

Appearance:

MR AR THACKER for Petitioner

MR YS MANKAD for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/01/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Under the impugned order, the learned trial court directed to pay Rs.300/= p.m. towards maintenance to the respondent and Rs.100/= p.m. to each children for their maintenance.

#. The learned counsel for the petitioner has failed to show any irregularity in exercise of its jurisdiction in passing of the impugned order by the court below. The amount of maintenance which has been awarded under the impugned order is only an interim maintenance under Section 24 of the Hindu Marriage Act and it is towards the lower side. The petitioner is admittedly a constable in S.R.P. and looking to the pay package, this amount of maintenance certainly is towards the lower side. However, the other side has not challenged the order and as such, no occasion is there before this court to enhance the same. However, disposal of this civil revision application will not come in the way of the respondent to apply to the court for enhancement of this interim maintenance and in case such an application is filed the court will decide the same in accordance with law.

#. In the result, this revision application fails and the same is dismissed. The Hindu Marriage Petition is of the year 1994 and it has to be disposed of within six months from the date of service of summons of the same to the other side. More than five years have passed but still the H.M.P. is lying undecided. The learned trial court is directed to decide the H.M.P. itself within a period of six months from the date of receipt of writ of this order or certified copy thereof, whichever is earlier. Compliance of this order be reported to the court. Rule discharged. No order as to costs.

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(sunil)